

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the matter of	)	
	)	
Application of SBC Communications Inc.,	)	
Southwestern Bell Telephone Company,	)	CC Docket No. 00-04
And Southwestern Bell Communications	)	
Services, Inc. d/b/a Southwestern Bell Long	)	
Distance for Provision of In-Region	)	
InterLATA Services in Texas	)	

**JOINT AFFIDAVIT OF  
RICHARD L. TIDWELL &  
PATRICIA ANN KETTLER**

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**OPERATIONS SUPPORT SYSTEM &  
BIRCH'S COMMERCIAL EXPERIENCE AFFIDAVIT**

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**I. INTRODUCTION**

1. I, RICHARD L. TIDWELL, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:
2. My name is Richard L. Tidwell. My title is Vice President, Industry Relations / Regulatory for Birch Telecom, Inc. (“Birch”). My business address is 1420 C of E Drive, Emporia Kansas 66801.
3. I, PATRICIA ANN KETTLER, being of lawful age and duly sworn upon my oath, do hereby depose and state as follows:
4. My name is Patricia Ann Kettler. My title is Director, Carrier Relations for Birch Telecom, Inc. My business address is 6800 College Boulevard, Suite 245, Overland Park, Kansas 66211.

**A. PROFESSIONAL EXPERIENCE**

5. I, Richard L. Tidwell, began my career with Valu-Line of Kansas in 1984 as General Manager of the telephone division. In 1988 I became Vice President of Valu-Line of Kansas, Inc., responsible for long-distance network operations, engineering, and provisioning. In 1992, regulatory and industry relations were added to my responsibilities. I became President of Valu-Line of Kansas in 1995. In 1998, Valu-Line of Kansas, Inc. merged with Birch Telecom, Inc. I now hold the position, Vice President of Regulatory and Industry Relations for Birch Telecom, Inc.
6. I, Patricia Ann Kettler, began my career in 1981, as Staff Director, Market Research and Information Systems for United Telecom’s local service division, currently referred to as Sprint’s Local Division. In 1985, I became Director of Operations for a United Telecom Joint Venture business, The Information Line, offering local enhanced operator-assisted

yellow page services in Kansas City and Atlanta. In 1988, I joined another Sprint start-up division, Sprint Gateways, as Director, Operations, where I led the development and deployment of the largest interactive voice response and facsimile platforms available at the time. In 1993, I left Sprint and acquired a Shared Tenant Service business in Overland Park, KS, Boulevard Phone Company. In 1998, Boulevard was acquired by Birch Telecom, where I am now employed as Director, Carrier Relations.

## **B. EXECUTIVE SUMMARY**

7. In Texas, Birch provides service via the UNE-platform.<sup>1</sup> Birch began sending test orders in May 1999 and began providing service to customers in June 1999. Since that time, Birch has aggressively sought to enter the Texas market and now offers service in Dallas/Fort Worth, Tyler/Longview, Waco, Corpus Christi, Austin, Houston, Beaumont and Lubbock. Indeed, even SWBT has commented that Birch has tried to enter the market in earnest. “[If everyone] would enter the (local) market as enthusiastically as the smaller companies such as Birch, we could all meet in the marketplace as the federal (telecommunications) act of ’96 intended.” Attachment A.
8. Birch’s target customer in Texas currently includes small and medium size businesses. Birch intends to expand its customer base to serve residential customers in Texas by the first quarter of 2000 as it does in Kansas and in Missouri.
9. During meetings with Staff and Birch, SWBT itself has described Birch as leading the charge to use electronic processes. Together, Birch and SWBT have worked to refine the processes and systems available.

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<sup>1</sup> Birch is not submitting orders for resale or facilities in significant volumes, although minimal ISDN orders are being processed via resale because of the problems ordering these services via UNE-P.

10. Birch uses SWBT's Toolbar OSS Applications to order and maintain services in Texas. These applications include LEX (ordering), Verigate (pre-ordering), Bill Information, Trouble Administration, and Order Status. As the volume and complexity of Birch's orders has increased, Birch has discovered significant OSS, legacy system and process related problems that have proven to be significant impediments to the ordering, provisioning and maintenance of competitive services.
11. These issues gave rise to the filing of the first complaint in the Texas Commission's newly-created Project 21000, Informal Dispute Resolution Relating to Operational Support Systems. Attachment B. This Project has proceeded as more of an informational workshop than a Staff directed dispute resolution proceeding. As such, while Staff has not mandated that SWBT take necessary actions to resolve these issues, Birch has been able to gain a measure of insight into the cause of the problems it has been encountering.<sup>2</sup>
12. Birch now understands that one significant and overarching root cause of many of their provisioning and maintenance related problems is SWBT's multiple order process which is described in greater detail later in this affidavit. Generally, this process accepts the CLEC order, the Local Service Request (LSR), into the OSS, processes it until it reaches SWBT's SORD (Service Order Retrieval and Distribution) system. In this system, the CLEC's order is split into three separate orders. These orders are the C order, the D order, and the N order. There is a fundamental problem with SWBT's application and use of the "D" order. While Elizabeth Ham's Affidavit states that the "D" order is used

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<sup>2</sup> In connection with Birch's complaint at the Texas Commission, Birch and SWBT have held weekly conference calls to discuss operational issues. After the conclusion of each call, Birch distributes meeting notes for SWBT's review and agreement. Any requested changes are made and re-circulated. Many references to these agreed-upon meeting minutes are made in this Affidavit and they are provided as Attachments.

only to delete SWBT's retail billing record for the customer converting to CLEC service, it is clear that this is simply not true.

13. As explained further in this affidavit, SWBT's use of the disassociated "D" order in the multiple order process has (a) disconnected our customers prior to the UNE-P ("C" order) reaching completion, (b) dismantled hunting features so that customers could not receive inbound calls, (c) delayed security transfer of the LIDB record so that Birch is unable to recover for its long distance for several days following conversion, and (d) caused customers to receive multiple bills. There are numerous other impacts to Birch's customers and their businesses. What is further alarming to Birch is the fact that new service affecting impacts are created and uncovered as time progresses; we identify one and work with SWBT to resolve it only to find another new problem develops.
14. According the SWBT's explanations, the additional problems raised by Birch in its complaint are the result of SWBT manual intervention and processing and associated lack of trained personnel to perform these manual tasks. Birch's customers have been impacted by the inability of SWBT's force model to staff the LSC and the LOC at levels that are sufficient to accommodate Birch's volumes. This problem is magnified by the fact that whenever Birch identifies "glitches" in SWBT's OSS systems, SWBT directs Birch to force LSRs to "fall out" to the LSC for manual provisioning.<sup>3</sup>
15. SWBT's solutions to these problems are limited to short-term manual "fixes." While Birch has experienced some alleviation of the magnitude of the issues originally identified in its complaint, new problems continue to surface. Furthermore, the progress

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<sup>3</sup> Attachment Z, Accessible Letter CLEC 99-195 is a recent example. The LSR must fall out to the LSC for "exception handling" due to a glitch in SWBT's OSS system. SWBT retail orders do not experience these same types of "glitches" because they are not processed initially through SWBT OSS.



Birch has made in resolving the issues in its complaint thus far is due entirely to the increased attention SWBT has placed on these issues during the dispute resolution proceeding. Birch's experience has proven that when this level and type of attention to these issues is removed, SWBT has no incentive to proactively guard against a repeat of the customer and business affecting problems or even to engage in a discussion to identify and investigate the issues.

16. In the review of the Application of Bell Atlantic, the FCC took comfort in the comprehensive and open third party test conducted by KPMG. It is simply not possible to take such comfort here. The Texas "test" has been the subject of criticism from its design. The scope of the test was so narrow it was often referred to as more of a demonstration than a test. No experienced professional third party developed the test plan. Rather, the scope of the test was limited to Commission Staff's design. Over the repeated objections of the CLEC community, the test did not include a review of SWBT's documentation and only included a very limited review of Change Management.
17. In addition, there was little visibility into the test group, the Technical Advisory Group ("TAG"). While the membership was technically "open," Commission Staff urged that only participants who could commit to attending every meeting could participate. In addition, with limited exception, attorneys were not permitted to attend. Commission Staff directed that summaries of the TAG meetings were not to be distributed to those CLECs not in attendance and no court reporter was permitted to record the meetings. No record of the participants' views, suggestions or objections were kept as Commission Staff directed that filings in this Docket should not be made.

18. Not only was the test less comprehensive than the New York by design, the third party, Telcordia, did not conduct a thorough investigation into the entire process. Rather, Telcordia stated that the legacy systems were “mature” systems and cut its analysis short. “[T]hese [back-end] systems were not included in the detailed observation and analysis activities, although they are inherently part of the process for providing the expected results.” Telcordia Final Report at 21. Telcordia failed to investigate how SWBT’s processing of CLEC orders affected those orders in SWBT’s downstream systems.
19. Contrary to Telcordia’s conclusion, Birch and other CLECs have discovered through actual painful commercial experience that these mature systems affect the processing of CLEC orders differently than they affect SWBT’s retail orders. Birch has uncovered a number of problems caused by SWBT existing legacy systems and unannounced changes or upgrades to legacy systems. Specific examples of this commercial experience are described in detail in Section IV.
20. Further, instead of reviewing the change management process and SWBT’s adherence to it throughout the testing process, the Commission only sought an extremely limited review. Especially in light of the Commission’s failure to ensure that SWBT’s OSS documentation was reviewed, a more thorough review of SWBT’s fulfillment of change management processes and procedures was necessary. In the absence of this review, it is not surprising that SWBT fails to introduce its actions to change management review, and CLECs continue to face service-affecting issues as a result. See discussion at X. Change Management.
21. Finally, as Birch’s commercial experiences have increased, Birch continues to encounter new problems. Birch must have SWBT’s cooperation to investigate and correct these

issues. In many cases, Birch's ability to permanently resolve these problems has been dependent on the visibility and support it has sought at the regulatory level. While Birch continues to do its part, we believe that no safeguards exist to ensure that SWBT will devote the attention resolution requires once it has received 271 authority.

## **II. ORDERING & PROVISIONING**

### **A. AVAILABLE SYSTEMS**

22. SWBT identifies six different primary interfaces that are available for pre-ordering and ordering. Conway Affidavit ¶35. SWBT requires that the CLEC have language in its interconnection agreement specifically providing for access to each unique system. When the parties were negotiating the terms of the T2A, revisions were made to the OSS Attachments for UNE and for resale at the same time. These revisions were intended to make the availability of these interfaces clear for use with both UNEs and resale. However, SWBT failed to include LEX as an available system for resale in the final version of the Resale OSS Attachment. Although the matter has been raised to SWBT in order to make an errata filing, SWBT has refused. Attachment QQ. Moreover, despite language in the Agreement providing access to SORD for UNEs and for Resale, SWBT is requiring that Birch sign an Amendment to incorporate an Attachment specifically for SORD.

#### **1. LEX**

23. Birch uses LEX to submit orders. Birch has previously raised concerns that LEX was not tested for ordering UNEs in the third party testing of SWBT's OSS by Telcordia, and that actual commercial experience does not support the findings of the third party test results for legacy system's used by both EDI and LEX by Telcordia. As our operations continue

to grow, we discover more handicapping limitations on our ability to access OSS transactions and manage our efforts. These limitations have real impacts on Birch's ability to serve its customers.

## **2. SORD**

24. SWBT makes a point of noting that by providing CLECs access to SORD, the electronic interface that SWBT's retail organization uses to "create, edit, distribute, and control requests for changes to customer's services and account records," CLECs access to OSS is at parity with SWBT's. Ham Affidavit ¶ 85. Conway Affidavit ¶ 56.
25. SWBT inaccurately states that SORD has been generally available since April 1999. Ham Affidavit ¶ 85. The former Valu-Line of Kansas began asking for SORD in 1997 and we were consistently refused. Only after learning of a presentation made by SWBT to the Department of Justice (in which SWBT reported that SORD was available) and reminding SWBT of this document, did SWBT acknowledge that SORD was available. However, SWBT advised that the development cost that Birch would be responsible for in order to obtain SORD for resale was estimated to be \$80,000. Only after almost six more months of negotiation with SWBT was Birch able to obtain access to SORD Supplement for resale (not full SORD). SWBT refused to provide access to SORD for UNE orders. It was not until October 1999 that SWBT offered to allow Birch to test SORD for UNEs. However, SWBT's terms for testing this interface amounted to an unacceptable gag order. Attachment Y.
26. SWBT requires that CLECs attend training prior to obtaining access to SWBT's OSS. However, despite Birch's continued early requests for access to SORD, SWBT's pilot

training was not held until September 1999. SWBT's website lists the first scheduled training class for UNEs as November 15, 1999. Attachment X.

27. As SORD became commercially available in November 1999, it is difficult to comment on or confirm SWBT's testimony describing the extent of its functionality. However, the early training Birch received is not consistent with the Affidavits of Elizabeth Ham and Candy Conway. As a result, Birch has pursued an explanation of precisely what functionality is available. On January 27, 2000, the LSC confirmed that Birch would not be able to modify or otherwise affect the SWBT "D" order, an order in the multi-order process that continues to be extremely problematic. Attachment WW.<sup>4</sup> On January 27, 2000, SWBT agreed to provide Birch with formal explanation of what functionality is available via "SORD access" due to the apparent discrepancies between SWBT's affidavits and the SORD job aid/documentation on their web site.
28. Given Birch's long-standing interest and requests for access to SORD, we were extremely surprised to read that SWBT would offer access to full SORD to any CLEC with access to SORD Supplement. Ham Affidavit ¶ 88. No other SWBT representative has ever communicated that availability to Birch directly, and the discussion at the Hearing on the Public Interest makes the validity of that statement questionable. Attachment X.
29. We should not have to read an Affidavit to learn of the availability of access to a system to which Birch has been requesting access for years. Of course, the implications are

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<sup>4</sup> Attachment WW is a copy of the Operational Conference Call Minutes for the conference call held on January 27, 2000. Due to the recent timing of this operational conference call, SWBT has not had an opportunity to provide comments to Birch. Any changes will be included in reply comments.

more far-reaching than the availability of SORD. Rather, it goes to the more fundamental issue of inter-company communications.

30. After a relatively unsuccessful pilot training session in September 1999, Birch will be attending the “new and improved” training program in February 2000.

### **3. ORDER STATUS & PROVISIONING ORDER STATUS**

31. Birch frequently uses Order Status via the Toolbar application to review service orders that have been created from Birch’s LSR.
32. SWBT alludes to a new Order Status application, Provisioning Order Status (“POS”). Birch was not aware of this new Toolbar function. Birch has not had an opportunity to confirm or evaluate the availability of this offering, especially as SWBT states it was not actually made available in late October 1999. Ham Affidavit ¶ 122. Given the timing of the availability, the inability to locate documentation and the lack of use of this system, we do not believe that the Commission should consider it for purposes of SWBT’s 271 Application.

## **B. PROCESS FLOW**

### **1. SUBMISSION TO SORD**

33. Generally, Birch transmits a Local Service Request (“LSR”) to SWBT using SWBT’s proprietary GUI interface. This system passes LSRs to LASR. LASR edits the LSR for valid entries (“LASR edits”) and will reject the order back to Birch mechanically if errors are detected. If rejects are not encountered and the LSR is not eligible for mechanical order generation (“MOG”), the LSR is sent to an LSC work folder to be manually

processed. If the LSR is “MOG-eligible,” LASR will send the LSR to MOG. Ham Affidavit ¶ 137-189.

34. MOG uses the LSR plus additional information not contained on the LSR to create SORD service orders. MOG will also perform additional edits, and mechanically return rejects if errors are found. If no errors are found, but MOG cannot create the service orders because of a system error, the LSR “falls out” to the LSC for manual processing.
35. If MOG is able to create the service orders, the service orders are sent to SORD for distribution. If SORD encounters a system error and is unable to distribute the order, the SORD orders will be sent to the LSC work folders for manual processing.

**a. “GLITCHES” IN THE SYSTEMS**

36. A FOC should not be returned until after the SORD orders distribute regardless of the processing path the service orders take. However, Birch frequently receives FOCs prior to the ordering reaching this point in the process. SWBT has asserted that this is one of the reasons orders have been “stuck” in the FOC status.
37. In addition, Birch’s experiences have uncovered numerous “glitches” in the LASR and MOG software modules. In some cases, Birch has been instructed to force LSRs to drop out for manual processing by the LSC. This is accomplished by selecting the “expedite” box on the LSR.
38. For example, due to an error in MOG, Birch has not been able to convert customers from SWBT who subscribed to the Charter Number service (SWBT’s retail number portability service) without the customer experiencing a complete service outage at conversion. Birch worked with SWBT to resolve this problem for months; at one point, the SWBT LOC stated that these orders could simply not be accepted. Attachment FF. Indeed, all

customers with Charter Number had to be returned to SWBT retail service because the LSC could not provide dial tone to those customers. Finally, SWBT identified an error in the MOG software. Attachment R. These orders must now be processed manually until the software is fixed to avoid loss of dial tone at conversion for the customer. Attachments V & Z.

39. Birch's customers have recently discovered yet another system flaw. SWBT's OSS (the exact source module causing the problem is unknown) cannot provision appropriate intercept messages. For example, if a Birch customer moves, a caller will incorrectly receive a "this number has been disconnected" recording rather than a "this number has changed" recording. Attachment V. The impact on a business customer is significant as potential customers no longer consider them available for business. Customers cannot be expected to tolerate this service – and they don't. SWBT has instructed us to use the "transfer calls" option on our LSR's as a temporary "fix" until they can implement necessary programming changes. Attachment KK.

## **2. ORDER PROCESSING AFTER SORD DISTRIBUTION**

40. There has been little visibility into what happens after SORD distributes the orders as SWBT has repeated that it is proprietary. Attachment J. In fact, SWBT refused to "certify" whether the process flow diagram that AT&T tried to put together based on its work in Project 21000 because SWBT stated that this back office process flow was proprietary. In October 1999, Birch also requested more detailed process documentation, but SWBT refused. Telcordia provided no insight into these processes, merely repeating SWBT's claim of proprietary information.



41. While we have no interest in investigating each and every tick of SWBT's systems, Birch's commercial experiences leave no doubt that the processing after SORD order distribution is related to the failures Birch is suffering. Facing these issues, SWBT's behind-the-curtain claims that the systems treat all orders the same is just not convincing.
42. SWBT provides only limited insight into the different stages of the processing of a service order. These stages follow:
- Origination ("O"): The status of a service order that is distributed through SORD and a FOC is returned when all orders for the LSR are distributed. Ham Affidavit ¶ 144.<sup>5</sup>
  - Completion ("C"): The status of a service order when the order has converted the customer to the desired Birch service (e.g., UNE-P) and/or a dispatched technician has completed any necessary field work. Ham Affidavit ¶ 145.
  - Post ("P"): The status of a service order when the appropriate billing system has received the completed service order and preformed the necessary billing system(s) updates. Ham Affidavit ¶ 146. Or, in the alternative, the service order goes into "error" status.
  - Error ("E"): The status of a service order when the order attempts to post to its respective billing system and an error on the order is detected. If the order errors, the LSC's Error Resolution Team (ERT) is supposed to manually intervene to "fix" the order so it can post during the next nightly cycle. Ham Affidavit ¶ 146.

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<sup>5</sup> Birch has and continues to experience problems due to the LSC's failure to follow this process on non-mogged orders. The problem has become more evident following the 1/15 Change Management release and process changes associated with the return of Jeopardies.

43. SWBT asserts that by checking the “Typist ID” field on the LSR, a CLEC can use Order Status to determine whether the LSR required manual intervention at any point in the process through SORD distribution.

The first Typist ID identifies the origination input typist (MOG or LSC service representative) and the second Typist ID identifies the distribution typist. If no manual intervention is involved, the two sets of Typist IDs would be the same. On the other hand, if manual intervention were necessary, the two sets of Typist IDs would not match and the second Typist ID would indicate that a LSC service representative created the order in SORD.

Ham Affidavit ¶ 117.

44. SWBT has also told Birch representatives that if the order is MOG’d, the Typist ID should reflect “MOG.” Attachment R. If MOG mechanically creates the orders, but the order requires manual intervention for distribution, and the second set of initials reflects that the order fell out to the LSC for manual distribution, these transactions should count against SWBT’s flow-through performance measurement. Birch’s analysis of sample data for auditing performance measurements does not support this statement. We have been unable to determine additional specifics on whether these orders are appropriately accounted for because we cannot obtain the raw data. This obviously complicates performance tracking and auditing of performance measurement data. Attachment R.

### **C. FLOW THROUGH**

45. That an order flows through SORD distribution is only the first step in ensuring that the customer is provided with good service. It is critical that the order actually flow

“through” the complete provisioning and posting process (including completion and posting). SWBT recognizes the necessity for these functions and reports three measurements to evaluate and compare flow through for EASE. Ham Affidavit ¶ 82.

- Flow through SORD distribution – the orders passed all of the EASE and SORD edits and passed to downstream systems.
- Flow through to completion – the orders passed through the SWBT downstream systems and completed.
- Flow through to posting – the orders have passed through the billing system’s edits and are ready for billing.

Ham Affidavit ¶ 82.

46. Despite repeated requests for this information, SWBT does not provide the latter two significant metrics for transactions processed through EASE, LEX or EDI. Indeed, Commission Staff attempted to assist Birch and SWBT to arrive at a calculation to assess, indirectly, posting flow-through during the Project 21000 meetings. Attachment K. Reporting that they did not understand the information that was sought, SWBT failed to implement the calculation until after additional delay. Attachment L. Finally, SWBT's reports for this Birch-specific "diagnostic," reflect SWBT's failure to meet the commitment to post 98% of orders within 5 days. Attachments O, U & W.
47. These measurements reflect the continuing nature of order processing. Service is not provisioned at the entry to SORD and the measurements reporting SWBT's performance should not end there and Birch continues to believe that SWBT should report this data for CLECs using LEX and EDI. See additional information in Performance Measurements Section of Affidavit.

### **III. THE SWBT TRIPLE ORDER PROCESS**

#### **A. ACTUAL PROCESS**

48. The Affidavit of Elizabeth A. Ham describes the process to convert a SWBT retail or resale end user to UNE-P, a "Conversion as Specified" LSR as follows:
- The "D" order is issued to disconnect the CRIS billing for either the SWBT end user or the CLEC resold customer.
  - The "C" order is issued to provision the UNE element(s) as the CLEC has specified on the LSR, and serves to establish CABS billing for the UNE element.
  - A CRIS "N" order is issued to keep Directory Listings and E911 in sync and to migrate those listings to CLECs.

Affidavit of Elizabeth A. Ham (“Ham Affidavit”) ¶197.

49. Birch places an order in LEX to convert the customer’s service from SWBT and must list all current features and services currently in place onto the LSR. The LSR follows the process flows described above. Once the order has processed through the front-end OSS, SORD creates three separate orders: the D (Disconnect) N (New) and C (Change) orders.
50. There is no logical relationship among these three orders to ensure that they process in tandem and in the proper sequence (e.g., “C” before “D”<sup>6</sup>). A specific field must be populated on each of the orders to create an association of the orders in the process. In many cases one order will be held up in the SWBT legacy systems while the others will pass through the system. This causes a number of service affecting problems including loss of dial tone, loss of long distance service, loss of vertical features, loss of outbound calling and double billing. The specific impacts and how they happen within SWBT legacy systems is described in further detail in the following sections.
51. SWBT makes software upgrades and changes to its legacy systems which directly affect CLEC order processing with no notification to CLECs, often causing new errors to occur that must be identified and reported by CLECs. Many of these problems are unique to CLECs due to the fact that SWBT does not use this same multiple order process when it installs new service for its retail customer. When SWBT processes a retail order, a “D” order is not utilized and neither SWBT nor its customers are burdened with the service disruption it causes.
52. These problems can only be repaired with manual intervention in the SWBT back office systems, commonly after the customer has experienced a problem or outage. That

manual intervention after order distribution in SORD is not tracked for performance measurements and is problematic as this critically important performance is never captured or reflected in SWBT's performance measurement data.

53. SWBT claims that the order flow through performance measurement stops at SORD distribution because “[o]nce an order is created and reaches SWBT’s legacy systems, the process is the same for wholesale as it is for retail” ( Ham Affidavit ¶ 125). Birch’s experience is that this cannot be accurate. In fact, it has been by working with SWBT to resolve the plethora of order processing and provisioning problems Birch has experienced that Birch has learned that UNE-P wholesale orders **do not** follow the same process as SWBT retail orders in the legacy systems.
54. Recognizing that the customer will suffer a service disruption should the orders become disassociated, Ms. Ham’s Affidavit explains that two field identifiers are used to relate the orders, the FID Related Order (“RO”) and the FID Reuse Related Service Order (“RRSO”). Ham Affidavit ¶¶197, 199. “Because the three orders are involved in a single conversion, all three service orders described above are related using the FID Related Order (“RO”). In addition, the “D” and “C” orders are related via the Reuse Related Service Order (“RRSO”) FID.” Ham Affidavit ¶197.
55. Only CLEC orders are subjected to this triplicate order process that greatly increases the likelihood of service disruption. While SWBT repeatedly asserts that the legacy systems process wholesale orders “indiscriminately” with retail orders (Ham Affidavit ¶198), SWBT neglects to mention that only wholesale conversion orders are split into three

<sup>6</sup> As explained in Ham Affidavit ¶ 197, the C, D and N order numbers are listed in each order created from the CLEC’s LSR but they are not logically “connected” as they process through the SWBT legacy system.

orders. Neither Telcordia nor SWBT have been able to show, indeed, could show, that SWBT's retail orders suffer this same splitting and the associated impacts of different process flows through the legacy system. Only CLEC conversion orders suffer from this increased risk of service disruption with the disassociation of these three orders.

56. SWBT anticipates the comments on the multiple order process and blames address error conditions as the cause. This issue was discussed at length in the November 7, 1999 Change Management meeting. Attachment SS. Birch is the CLEC that formerly presented the problems created by address discrepancies to the Change Management forum with actual case examples. All CLECs concurred that address discrepancies or errors in SWBT systems, and the multiple order process are completely unrelated. AT&T submitted a Change Request proposing that the multiple order process be eliminated. SWBT stated in the November Change Management meeting that "the "C" and "D" order issues will be worked at the same time as the address validation issue." Although SWBT has proposed draft requirements for the April release to "fix" the address validation issue (which is likely to be opposed by CLECs), any attempts to resolve the multiple order process at the same time are not evident in the draft requirements.
57. Indeed, during the Hearing on the Public Interest, Candy Conway and Glen Sirles provided additional information on the relationship between loss of dial tone and a C, N and D order. While they suggested that the loss of dial tone could occur due to use of the incorrect service address, they also confirmed that CLEC's customers could lose dial tone under this process even if they provided the correct information. Attachment AA.

**B. HISTORY & OTHER JURISDICTIONS**

58. SWBT used this same triple order process in the resale environment in 1997. This process had so many problems that SWBT agreed to develop a “Conversion Order Process” which would change the ownership of the service from SWBT Retail to CLEC Resale without creating multiple orders. This change eliminated many of the problems with resale conversion orders. SWBT must be required to eliminate this three order process.
59. The recent Supreme Court Order affirmed that already combined elements are not to be separated unless the CLEC expressly requests that the elements be broken apart. There is no technical reason to disassemble the combined loop and port in order to change ownership of the service. Instead, SWBT “reinstalls” service and imposes wasteful non-recurring charges on Birch, even when the service is pre-existing.
60. AT&T recently filed a Complaint with the Texas Commission regarding this unlawful imposition of non-recurring charges. Attachment CC. Although SWBT has agreed to cease applying the Central Office Access Charge (COAC) for existing combinations, SWBT responded that AT&T’s recourse as to the non-recurring charges was to await the outcome of the appeal from the Fifth Circuit. In short, the non-recurring costs for the loop, port, and cross-connect are hypothetical charges based on work that are phantom charges for work that is not actually ever done as most conversions to UNE-P do not entail installations that would be the proper subject of non-recurring charges. Birch anticipates that SWBT will be forced to cease applying these unlawful charges, but as with all things, SWBT will have to be forced.



61. Of course, the imposition of these charges unfairly narrows the available profit margin and creates a windfall for SWBT whereby they charge for work they do not complete. Further, due to the problems encountered with the present method it should be obvious that any process that will streamline the conversion process will sharply minimize the possibility of customer affecting problems at or near conversion.
62. Finally, Birch notes the significance of the fact that Bell Atlantic does not subject CLEC orders to this triple order process as does SWBT.

### **C. OPERATIONAL EFFECTS OF THE THREE ORDER PROCESS**

#### **1. Loss of Dial Tone**

63. The loss of dial tone issue raised in Birch's complaint affected Birch's customers for two months prior to Birch's filing for Commission relief. When SWBT's Executive Director reported that Birch would just have to wait to have these problems fixed, Birch realized it would have to seek Commission assistance. Attachment B. At the first meeting with SWBT, SWBT advised that the problem had been caused by SWBT's manual input errors into the RRSO process, the process that is responsible for relating the three orders. Attachment C. Again, SWBT asserted that it would train its LSC representatives on this process.
64. The SWBT LOC has advised Birch that one of the causes for the loss of dial tone issue is that the "D" order completed before the "C" order, regardless of whether or not there was a "human" error caused by the LSC when manually processing the order. Birch contends that manual intervention will never be eliminated and hence human error will always factor into the equation. However, this impact of human error could be minimized or

remedied if SWBT's "D" order was not incorporated in the CLEC's ordering and provisioning process.

65. Indeed, SWBT has even notified Birch's customers of their use of the "D" order. During a conversion from SWBT to Birch, the customer experienced trouble and contacted SWBT's business office. The SWBT representative apparently told the customer that it had disconnect orders waiting to be processed and it would be losing dial tone over its lines throughout the day. The competitive impact of this D order is tremendous as the customer blames the CLEC for its service outage. In addition, Birch has to commit additional resources to processing what should be routine orders. Attachment BB.
66. SWBT has used manual efforts to coordinate the orders. The failures of manual intervention are painfully clear as more and more of Birch's customers lose dial tone and Birch loses customers back to SWBT. Ultimately, as previously stated, Birch does not care how SWBT elects to solve these problems, we only care that SWBT does solve them. At this point, it is clear that SWBT's efforts are not enough – the problem remains. During our meeting with SWBT's Executive Director, Carla Rowland, we were provided with an example. Ms. Rowland reported to the group that she was sitting with a representative when they deleted a live account. Although it was explained that the representative thought the order was a duplicate, this example shows that manual intervention only exacerbates the problem. Attachment B.
67. SWBT has an obligation to ensure that the potential for lost dial tone is no greater for CLEC orders than it is for SWBT's own orders. It is clear that SWBT's manual efforts are not sufficient to prevent the errors that lead to lost dial tone from recurring. SWBT should not be permitted to rest upon a statement that this system improvement would

delay other necessary system improvements. (*See* discussion on Change Management *infra* at X & Attachment SS.)

68. SWBT has been aware of this problem and increased potential for harm for years and has not endeavored to implement a systems fix. Now SWBT states that any system fix to better relate or coordinate the related orders will delay other necessary system fixes in LIDB and other flowthrough issues. Although Birch strongly supports the AT&T proposal to change the triple order process raised in change management, Birch believes that this should not be viewed as an enhancement or as an improvement. Rather, it is a necessary repair to systems that have never functioned as required. It is not adequate for SWBT to state that CLECs will have to choose which of the fixes they want, while the others are delayed. SWBT cannot be rewarded with 271 relief while it benefits from the delay it introduced to the detriment of the CLECs. *See* discussion on Change Management, especially Attachment SS (discussion on differences between system fixes versus system enhancements versus mandated projects).
69. The frequent raising of this issue by different CLECs has served to put SWBT on notice that there is a problem with the failure to relate these orders. Parties began raising this three order process as early as the initial Hearing on the Merits in April 1998 in the Texas Commission's 271 investigation. Attachment HH. Indeed, during the Hearing on the Public Interest, SWBT agreed that the existence of the D, N and C order and the disassociation issue of those orders is an issue that has been a subject of discussion throughout the collaboration process. Attachments AA & DD.
70. Other carriers (both large and small) have informally and formally reported the loss of dial tone problems with these orders. SWBT has communicated to at least one other

carrier that this was a result of the orders becoming disassociated and the D order processing while the others would get “hung in process.” Of course, AT&T and Telcordia have also reported this problem. Birch is concerned that this history shows that while manual intervention, and the increased attention brought about by regulatory proceedings can temporarily mitigate the effects of the three order process, manual order processing is no solution. In fact, this practice breeds discriminatory treatment as one carrier, who might be screaming louder, gets more attention than another.

**2. Orders Stuck in FOC Status (“250 FOC List”)**

71. Also addressed in meetings on Project 21000, SWBT’s representative stated that the reason Birch saw such large numbers of orders stuck in FOC status was due to the SWBT’s LSC representatives’ failure to type the orders to completion. Attachment C. While Birch sought immediate relief and permanent solutions, SWBT was only able to commit to the manual process of checking orders to provide manual intervention. Although SWBT provided a root cause analysis of this problem, SWBT gave a different analysis at the initial meeting before held between SWBT and Birch in Project 21000 before Commission Staff.
72. SWBT explained that one reason that orders must be typed to completion is because SWBT’s LSC representatives issued additional orders in SORD with a new order number that was inconsistent with that listed in the FOC which was already returned to the CLEC. As a result, Birch was unable to determine which orders had completed. The orders that Birch submitted appeared to be outstanding even though SWBT had in fact issued more orders to replace those “stuck” in their system. SWBT’s “fix” was to

manually notify Birch by fax and telephone call that the SORD Service order number for the affected LSR(s) had been changed. Attachment C.

73. SWBT also reported that the cause of the large number of orders stuck in FOC status was due to a versioning issue. SWBT's explanation involved an unlikely scenario in which a Birch representative would submit an order, take a break, and then at some point before the order is FOC'd, submit another version. Birch's investigation of this hypothesis failed to confirm that this actually occurred or was even a factor that led to the number of orders the status of which Birch could not be certain. Both Staff and SWBT recognized, however, that if the LEX report, the CLEC tool to manage its workflow, and the SWBT reports reflected the same identifying number (whether PONs or LSRNs) or reflected a relationship among them, the difficulty of the investigation would have been lessened.
74. Another cause identified by SWBT was that a problem in the interface module that processes auto completes was preventing SOC's from being returned. Attachment E. It is unclear whether this "programming glitch" would have the same effect on three CLEC orders as it would on a retail order. Attachment F. SWBT's response has been inconsistent, with one SWBT representative denying that there was ever a glitch at all. Attachment M.
75. Birch continues to experience an unacceptable number of orders in FOC status past the due date caused by SWBT's failure to return Service Order Completion (SOCs) on a timely basis. SWBT's performance measurement data reflects this sub-standard performance. SWBT has continued to fail to meet the associated Performance Measurement, 7.1 Mechanized Completions Available within 1 Day of Work

Completion. This performance has not improved over time. January's data reflects similar problems. Attachment S.

**3. Orders Stuck In Error Status ("615 Error List")**

76. Birch's requests for an investigation, root cause analysis, and clean up of the errored orders (orders that can not post to their appropriate billing system) were largely ignored in the weeks preceding Birch's filing of the complaint. Instead of addressing the problem, the LSC's Executive Director stated that as a large carrier was converting their resale accounts to UNE-P, the LSC did not have the resources to accommodate all the orders and Birch would just have to wait. SWBT did not respond in a nondiscriminatory manner. Instead, SWBT processed the other carrier's volumes while Birch and Birch's customers were forced to wait for Commission Staff to intervene in the Informal Complaint.
77. Ultimately, during the meeting between SWBT, Birch and Commission Staff, SWBT reported that the root cause for the large number of orders stuck in error status was again, largely the result of SWBT's error and lack of sufficient human resources to resolve the errors. SWBT implemented retraining including information so that the LSC service representative would know that master accounts must post before supplements, and how to load the USOCs correctly. While these manual actions may be the appropriate short-term solution, Birch finds it disturbing that SWBT once again failed to address this problem until after the complaint had been brought.
78. Commission Staff requested that SWBT provide an analysis on a sample of old orders in error status. Attachment N. Two of these three orders remained in error status for about two months before Commission Staff required SWBT to investigate them. While SWBT

determined that these orders had been provisioned, it is not possible to determine what ill effects these customers suffered by the delay in posting. The other order, a disconnect order, had been in error status for two weeks. Surely both the Commission and Birch can expect to hear from this angry customer who wanted his service disconnected for two weeks.

79. Almost immediately after the initial meeting with the Texas Commission, the backlog of orders in error status decreased. Attachment E. However, by the beginning of November, at the time of Birch's billing cycle, there were over [\*\*\***REDACTED**\*\*\*] C, D and N orders associated with Birch LSRs sitting in error status, approximately 25% of our LSRs for the month. Attachment J. In the November meeting at the Texas PUC, SWBT committed to clearing 98% of errored ("stuck") orders within 5 days. Attachment C & X. In late December (when Birch's order volumes had decreased), SWBT achieved this objective. However, Birch believes that SWBT's attention to maintaining this level of performance is only due to continued monitoring of this metric by Texas Commission Staff.
80. It is evident that SWBT's LSC is not prepared to handle the load when a system "glitch" prevents CLEC orders from flowing through mechanically. It is also clear to us that SWBT's LSC is not prepared to accommodate the manual interference required on the volumes we are submitting now, much less the volumes Birch expects to submit in the near future. Birch fears that our efforts to aggressively enter the market will backfire as we sign up more customers only to disappoint them because the LSC is unable to manage the manual workload they cause. Of course, this problem is magnified as Birch must force orders to fall-out for manual handling at the LSC due to OSS software glitches.

Despite the validated concerns that the LSC is not prepared to handle these volumes, Birch has no choice but to rely on SWBT's LSC.

#### **4. Hunting Lines**

81. SWBT has been aware of the importance of conversions from SWBT retail to UNE-P and the prevalence of multiple line hunting in Birch's orders. Attachment O. Beginning in late October, Birch began receiving an unusual volume of trouble tickets related to failures associated with the customer's hunt group. After spending approximately four weeks researching the problem, SWBT confirmed that the root cause was a new software upgrade to SWBT legacy system MARCH, which affected the provisioning of hunt groups in the DMS-100 switches.
82. SWBT explained that as a result of the late October software upgrade, the D order was used to dismantle the hunt group in the SWBT switch, and the C order rebuilt it so that a UNE-P specific ID could be assigned. Attachment V. SWBT provided no prior notification of this upgrade. In fact, Birch was advised of this system change only after numerous meetings regarding problems with hunt groups.
83. An interim fix, bypassing the "C" & "D" order process, was implemented approximately three weeks after the problem was first reported. Birch was assured that this "patch" was thoroughly tested. Unfortunately over the next, four weeks Birch continued to experience problems. Attachment Q. The last (third) "patch" was installed on December 23<sup>rd</sup>, 1999. After virtually two months of customers complaining that hunt groups were not working properly, it appears that this interim fixed has temporarily resolved the problem.
84. This single event, provides an example of four different but very important points: 1) CLEC UNE orders are not treated the same as SWBT's retail orders in SWBT's legacy



systems; 2) SWBT continues to use the “D” (disconnect order) inappropriately in the provisioning of a CLEC’s order; 3) Since CLEC UNE orders are not treated/processed in the same way as retail orders and that SWBT does not adequately consider the impacts of its changes on CLEC business, it is mandatory that CLECs be advised of legacy system changes; and 4) SWBT continues to actually dismantle existing elements that are already combined with no right or need to do so.

85. Birch and SWBT spent many management hours trying to pinpoint the exact cause of the problems and at least that much more identifying affected customers prior to their reporting the trouble. Clearly, if SWBT had not gone out of their way to dismantle and rebuild the hunt group in their March System upgrade, these cost would not have been incurred — costs which the consumer must ultimately pay for. Attachment FF.

## **5. LIDB**

86. Birch originally encountered an unacceptable number of LIDB records in conflict when attempting to make updates through the LVAS system. Birch and SWBT had no less than 10 representatives and management personnel, jointly, on weekly conference calls (at least 6-8 hours per week) over a three week time period researching each record in conflict. And, this does not begin to capture the amount of time invested by both parties conducting research between calls. It was not until Birch “forced” this laborious process to occur, after the volumes of conflicts had grown to an overwhelming level, that we were finally able to ascertain a root cause. SWBT finally agreed with Birch regarding one of the root causes for these problems, i.e., the three order process and completion and posting problems.

87. As a result, in early December, SWBT agreed to modify the 1/15 release requirements to include “fixes” for these root causes.<sup>7</sup>
88. As part of Birch’s Commission complaint, Birch documented that it was encountering an unacceptable volume of LIDB conflicts when attempting to update the LIDB record following order completion. At one point, nearly 500 TN’s could not be updated. Attachment L. Birch, in cooperation with SWBT LSC and LIDB personnel, spent 100’s of man-hours researching and attempting to resolve these conflicts. There were two primary root causes. First, LSC order entry errors caused the LIDB record to enter an error status. LSC personnel had to manually fix each record. Attachment M. Second, the transfer of security was triggered by the posting of the “D” order in SWBT’s CRIS billing system. When the “D” order failed to complete or went into an error status, the LIDB security transfer to Birch would not be triggered. Attachment P.
89. Although the recent January 15, 2000 LIDB release was announced through change management, SWBT again failed to consider the impact this update would have on CLECs. First, all orders in origination status at the time of the software upgrade went into an error status when the security transfer was attempted. Birch estimates that nearly 1600 Birch telephone numbers had incorrect LIDB settings for over a week as a result of glitches with this upgrade. In addition, apparently the new software uses the “N” record rather than the “C” record for the source data to update the LIDB record. And, this record update, based on current feedback from SWBT, will only occur after the “N” order has posted. This is contrary to the final published requirements document, which states

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<sup>7</sup> Birch is still trying to understand the nature of the software changes made by SWBT. As previously stated, it appears that SWBT did not heed Birch’s input and is still, unnecessarily relying non-CLEC SORD order completion and posting.

that the LIDB update will occur 24 hours after the CLEC receives a “SOC”. The “SOC” is sent to the CLEC based on completion of the “C” order not the “N” order. Because these two different order types do not logically process in tandem, CLEC cannot rely on the SOC notification, but is forced to manually look-up the status of each “N” order via Order Stat. Again, the multiple order process has a significant negative impact on our business.

#### **6. Call Notes Service**

90. The three order process also causes a disruption of a customer’s call notes service. Attachment GG. When the “D” order is processed, the customer’s Call Notes service is disconnected. Since Call Notes is not available as a UNE, it cannot be included on the “C” order. Because of the customer impact of the disruption of Call Notes, SWBT advised the Texas Public Utility Commission that it would implement a process whereby call notes service is seamlessly retained at conversion. Attachment GG. In Accessible Letter CLEC 99-166 Notification of an Interim Process for the Retention of CallNotes® for Unbundled Network Elements, SWBT suggests an Interim Process and commits to a more permanent solution. Attachment UU. “SWBT will work within the agreed-upon Change Management Process to develop this functionality. SWBT anticipates making requirements available to CLECs for testing in conjunction with the first regularly-scheduled release in 2000.” To date, Birch has not become aware of any draft requirements for this permanent functionality.

#### **7. Double Billing**

- 91.** Birch customers on a number of occasions have contacted Birch confused and upset because they have received bills for their local telephone service from both SWBT and

Birch for the same time period. Attachment M. An investigation found that in some cases the SWBT "D" order is not processing to completion until long after the "C" order has been SOC'd. This causes delay in the SWBT retail billing system being updated to cease billing to the customer and in the end causes duplicate billing.

**IV. OTHER ORDERING AND PROVISIONING ISSUES:**

92. Birch continues to identify numerous "glitches" in SWBT OSS systems and processes and as well as in the interfaces/processes between OSS and SWBT legacy systems. Telcordia's failure to test the provisioning of orders through SWBT's legacy systems is one of the significant failures in the testing of SWBT's ability to provide parity ordering and provisioning services to CLECs.
93. As previously described, problems caused by the "D" order dismantling hunt groups and the "C" order re-structuring them, is an example of unannounced legacy system software modifications, causing total inbound call processing outages for any customer converting to Birch service that was served off a DMS-100 SWBT switch. This is not uncommon. For example, Teligent notified the Texas Commission that SWBT caused an out-of-service condition for its facilities-based customers with a ported number. SWBT modified legacy system software and re-loaded Teligent's LRN numbers incorrectly.
94. Birch experienced similar effects from SWBT's legacy system modifications. Just before the Christmas shopping season, unannounced to CLECs, SWBT "upgraded" software in an STP serving Kansas City, Missouri, which caused callers to all Birch facility-based customers to receive a disconnect recording. Attachment RR.
95. Inconsistencies in customer location addresses across SWBT legacy systems is another example. See below at ¶97.

96. *Front End Issues.* Not only does the back end system appear to be designed to treat CLEC orders differently, the front end is not consistent with SWBT's retail operations. For example, SWBT retail can process charter number service or implement a recording to advise callers that the customer has a new telephone number. On the other hand, when Birch orders these types of services using SWBT's processes, they cannot be provisioned properly, if at all. Without investigating the issue, SWBT commonly explains that Birch is not completing the orders correctly. Months later, after continued monitoring and reporting of trouble, SWBT admits that there were systems glitches.
97. *Records with Incorrect Information:* SWBT has numerous records associated with SWBT's retail customers that contain "incorrect" information or information which is inconsistent with other SWBT records, bill-on records or editing sources (e.g., facilities records & PREMIS). This is particularly true for service addresses. Because we must in effect "build" new service for the customer even when converting with no changes Birch must rely on SWBT CSR records for feature and address validation. If the address in the SWBT CSR record is not exactly the same as the address in the SWBT's facilities/dispatch records or if the features listed are not what the customer actually subscribes to, errors occur.
98. For example, if the CSR or PREMIS edited address (all SWBT supplied/required information) differs in any small way from the location address associated with the facilities record, a SWBT technician is dispatched to disconnect the customer's service and then reconnect. Another example of this problem occurs when Birch desires to convert a SWBT customer with multiple "bill-on" records that may contain typographical errors. In this case, Birch must type as many LSRs as there are unique addresses.

Because our LSRs cannot be logically related, the customer's service commonly cannot be converted properly, and the customer ends up with, for example, only half the lines in a hunt group being converted. A process that allowed for a true "conversion as is" using a single LSR with fewer edits would eliminate many of the service outages or partial conversion problems Birch's customers commonly experience. SWBT inappropriately charges Birch for each "order" that is submitted even when it is SWBT's error that causes multiple orders to be necessary. The competitive impact of this double and triple billing eliminates any profit margin for Birch, and creates a windfall for SWBT.

99. *Ordering Issues:* Birch's experiences with SWBT-caused missed due dates have led Birch to routinely request due dates two to four working days longer than the parity interval. To allow SWBT to ramp up to accommodate Birch's traffic, Birch has advised SWBT that we will be requesting the standard intervals. Attachment D.
100. *Provisioning Issues:* Birch has experienced a high level of Trouble Reports on new installs within two weeks of conversion/order activity with approximately 15%-20% of all customers reporting some form of trouble. Attachments D & J. This outrageous trouble report rate is diluted in the performance measurement data as there is no disaggregation for new installations.

## **V. MAINTENANCE & REPAIR ISSUES**

101. There have been problems with testing on UNE-P lines for over a year. SWBT reported that AT&T experienced problems testing and reporting trouble on lines for combined loop and port orders in the first half of 1999. Ham Affidavit ¶ 223. "In June 1999, SWBT changed programming so that LMOS no longer waits for Disconnect orders to post to completion before processing them. Disconnect orders are now processed from

SORD distribution.” Id. This change should allow a user to test a line on the same day that it posts to CABS.

102. Birch continues to encounter problems with SWBT’s Mechanized Line Test (“MLT”) for UNE-P orders. Like the Telcordia test discovered (see Ham Affidavit ¶265), Birch was unable to conduct the test because the orders had failed to post.
103. A CLEC must manually place a trouble ticket with the LOC if the order fails to post and refers to the Accessible Letter notifying the CLEC community of this change in procedures. This Accessible Letter was not distributed until November 1999.
104. While SWBT is quick to state that a similar process exists for retail orders, SWBT fails to mention that the chances of a posting problem occurring are significantly less for SWBT retail orders. During the initial SWBT / Birch Project 21000 meeting, SWBT confirmed that the majority of orders that must be typed to completion are CLEC orders.
105. Another significant problem has been SWBT disconnecting Birch’s customers’ lines in the absence of a request to do so. Birch’s customers are expecting their service to be operational with Birch on a certain date so they are furious to discover they have no service at all. Most customers call and blame Birch for the loss of service. Only rarely does the customer blame SWBT for their trouble. However, when they do, they report that they believe SWBT is causing the trouble intentionally to harass them for leaving SWBT. Attachment II.
106. Birch provided SWBT with another example of the technician being dispatched without a request so that SWBT could investigate the cause. Attachment T. Birch is still awaiting that response.

## **VI. BILLING (POSTING) ISSUES**

107. Birch's orders are not posting to billing (CABS and CRIS/SWBT) in a timely manner. The ramifications to Birch are extensive, but most importantly the customer runs the risk of double billing. We have received complaints because of this. Attachment V. Other customer impacts include the inability to update the LIDB database (such that the customer's account is not accurate), Birch is unable to submit subsequent change orders for the customer, and Birch cannot electronically submit a trouble ticket if the order has not posted. Ham Affidavit ¶ 274.
108. The performance measurement, "Billing Completeness" does not adequately capture the impact of posting problems because of a fallacy with the formula used by SWBT. Instead of capturing all service orders, this measure is the ratio of service orders billed on time to all service orders posted within a given month. Telcordia Final Report, Attachment J. Thus, this measurement does not capture those service orders that do not post.

## **VII. PERFORMANCE MEASUREMENTS**

109. The performance measurements reflect poor customer and/or competition affecting performance. As a general matter, due to insufficient documentation, it is difficult, if not impossible, to determine what is actually being reported and how that data is being gathered. It is particularly important to definitively determine what data is being reported given the difference between Birch's commercial experience (which suggests that poor performance exists in other areas, e.g., maintenance) and the data SWBT reports. Without information to audit the data, it is difficult to determine the exact nature of the discrepancy.



**A. THE THREE ORDER PROCESS INFLATES  
SWBT's PERFORMANCE DATA**

110. In addition, not only are CLEC UNE-P orders subjected to a higher likelihood of service disruption due to the three order process, SWBT's performance measurement data reflects better than actual performance as a result of the three orders. This issue has been raised in connection with the Telcordia Final Report and criticisms of the performance measurements. SWBT's response to the statement appears to be limited to the claim that all CLEC orders are not subject to the three order process, so judgments should not be made on aggregate CLEC data. Ham Affidavit ¶200. While it is true that all CLEC orders are not subject to the three order process, all UNE-P Conversion orders to convert customers from SWBT to Birch are. For Birch's Texas data, where Birch uses only UNE-P, it is clear that the flow through performance data for Birch reflects an inflated level of performance.<sup>8</sup>
111. Birch recognizes that the underlying performance data is useful in interpreting whether a particular activity is discriminatory. However, SWBT's demonstration of the data is misleading, and inaccurately concludes that this triplicate order process is nondiscriminatory. Looking to the trouble reports issued within the first ten days of service, Performance Measurement #35, for the months of August, September, and October, SWBT compares the data for all CLEC data, UNE-P data and SWBT data and claims that the data shows the process proves its point. SWBT notes that the percentage of trouble reports for UNE-P data is less than the trouble reports for all data and the

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<sup>8</sup> While Birch has sought to offer service using UNE-P, Birch continues to serve a marginal number (under 20) of resale customers.

trouble reports issued on UNE-P orders is lower than that for SWBT. Ham Affidavit ¶201.

112. This data provides an inaccurate picture of SWBT's performance as not all consequences of the problematic three order process are captured by "Trouble Report Rate." Examples of performance that is NOT captured include LIDB records in conflict status, double billing, and Call Notes disconnections. Second, SWBT's Trouble Report Rate excludes "Disposition 13 reports" (no trouble found – NTF)) which Birch believes is frequently overused. For example, in performing quality audits on Birch Trouble Tickets, the comments field on "no dial tone" or "can't call out" may include the LOC representative's explanation that no trouble was found when the ticket was worked in the field. SWBT further explained that there was an AIN outage that may have caused the problem. Birch trouble management personnel's only choice is to accept SWBT's trouble cause of "NTF". Unfortunately Birch cannot quantify or confirm this theory because our Trouble Reports frequently cannot be viewed because of the "D" order has not posted (Ham Affidavit. ¶224). In addition, SWBT will not release the performance measurement source data available for confirmation until a T2A agreement is signed. Further, Birch Trouble report data does not support what SWBT's performance measurement data. Again, since we have not had access to the actual data, an audit could not be performed.
113. In addition, when a customer decides to switch its local service provider from SWBT to a CLEC, it often does not know all of the characteristics of the service it is being provided. Beyond such things as whether the customer subscribes to call waiting or caller ID, the customer most often is not aware other "features" that if missing will severely disrupt the

customer's service (e.g., whether it is being served with a 5 db loop or an 8 db loop). A CLEC must rely on the customer service record, the CSR, to order service that mirrors that which was being provided by SWBT. This information, including the conditioning on the line, is not on the CSR. As a result, when the service is provisioned according to the service that is ordered, SWBT classifies the trouble as "CLEC error" and does not count the trouble reports in the performance measurement. This is another example of how the performance measurement data SWBT relies upon to show that the triplicate order process is nondiscriminatory does not show the actual effects being experienced in the marketplace.

**B. OTHER PERFORMANCE MEASUREMENT AREAS OF CONCERN**

114. In addition, Birch has been able to identify issues of below-parity performance in the following areas:
115. **FOC Interval:** In the measurements designed to measure the interval to return a FOC, SWBT "reclassified" the predominance of its UNE-P orders from UNE-Loop to "complex business." SWBT should appropriately classify the data and report it in the correct category. The practical effect of the incorrect classification can be seen by viewing the intervals for UNE-P and for complex business services. The acceptable interval for UNE-P orders is 5 hours (like UNE-loop) whereas the acceptable interval for complex business orders is 24 hours. Furthermore, SWBT is only reporting this information in the "less than 48 hours" interval.
116. As a result, the performance measurements will not accurately reflect SWBT's performance, and will inaccurately reflect better performance than what is actually being provided. To complicate matters, SWBT's failure to report the information within the

appropriate intervals makes it impossible to accurately determine what SWBT's performance really is.

117. Despite the lack of adherence to the requirements of this measurement, the performance measurement data reports reflect SWBT's performance did not meet the 5 hour interval for the months of October and November.

118. **Percent Mechanized Completions Returned Within One Day of Work Completion:**

Again, it appears that SWBT's data is inaccurate as the data reported is inconsistent with the commercial experience of Birch. For example, while SWBT reports that **[\*\*\*REDACTED\*\*\*]** LSRs were completed in October, LEX reports that **[\*\*\*REDACTED\*\*\*]** LSRs completed in October. SWBT reports that 95% of SOC's were returned within one day of completion while Birch's sample suggests that the number is closer to 90%. Our sample also tells us that the average delay interval is 3 days. Nevertheless, SWBT has never met the required service level for this very important measurement. Receiving mechanized completions on a timely basis is extremely important as the completion triggers billing.

119. During the Birch/SWBT operational calls, SWBT has provided numerous explanations for the problems associated with returning SOC's on a timely basis. Attachments I-V. Most recently, due to the growing backlog confirmed by SWBT, the CLEC interface group re-assumed responsibility for typing orders to completion for those "SOC's" that do not mechanically return to the CLEC.

120. **Manual Rejects Sent Electronically:** These measurements (PM 10.1 and PM 11.1) have reflected extremely poor performance with October data reflecting that SWBT's performance met the standard only 54% of the time. This issue has been raised with

SWBT in both operational meetings and before the PUC in the meetings held on Birch's informal complaint.

121. **Provisioning Accuracy:** As defined (whether the features in the switch have been provisioned accurately), this measurement cannot be audited and does not capture the impact to customers. A measurement that reflects the percent of LSRs provisioned without errors would better capture SWBT's performance. Using a sample, Birch estimates that about 10% of Birch's orders have at least one SWBT-caused provisioning error. Attachments G & S.
122. If the customer's hunting service is not working, it is largely the same as the customer having no service, as it is unable to receive multiple inbound calls. The impact for a business with multiple incoming lines is obvious as callers are unable to reach the business. In the face of returning busy signals, businesses will lose customers. They are unavailable and would be perceived as giving poor customer service.
123. **Trouble Report Rate:** This measurement does not adequately capture SWBT's performance. Take for example, an AIN platform outage that affects call processing for a large number of customers, or some other significant event like the LRN problem reported by Teligent in Docket 16251. Attachment TT. These events are very severe in terms of the impact on the consumer who has chosen to take advantage of the benefits of local competition. The CLEC begins receiving enormous volumes of inbound calls from customers. When major events such as this occur neither the CLEC nor SWBT, is able to accommodate the inbound call volume let alone enter trouble tickets. Hence, the metric(s) intended to capture this failure, such as PM 37, Trouble Report Rate, is not significantly impacted.

124. This measurement does not capture the severity of feature failures like hunting. Instead, the performance measurement counts each feature being processed by the systems on the line (including tone or pulse dialing, etc.) as a successful feature and does not take into account whether the service is actually installed in the switch and working properly.
125. **Order Process Flow Through:** This measurement does not capture the extent to which SWBT must touch orders that are sent electronically, are “MOG” eligible in accordance with SWBT’s rules, and do not fall out for manual handling through distribution in SORD. While SWBT insists that once orders have been distributed by SORD there is no distinction between the retail and wholesale order provisioning process, it is important to recognize that only CLEC orders are split into the three separate problematic orders. SWBT retail provisioning of a new customer does not incorporate a D order, and SWBT’s retail service is not subject to the failures of the AIN provisioning process and legacy system. SWBT’s retail orders are clearly not subject to the problems of fall-out caused by disassociation of the three orders in downstream legacy system provisioning as are CLEC orders. A more comprehensive measurement of “flow-through: is required.
126. A necessary additional measurement is the percent of orders that are eligible to flow through. In addition, a measurement to capture the Posting Orders to Billing on a Timely Basis should be added to the performance measurements.
127. The FCC definition of flow through as “the percentage of orders that an incumbent LEC processes electronically through its gateway and accepts into its back office systems without manual intervention (i.e., without additional human intervention once the order is

submitted into the system)” is a useful indicator of the first stage of processing.<sup>9</sup> However, it is not the entire analysis. As the FCC recognized, this measurement “measures only how the competing carrier’s order is transmitted to the incumbent’s back office ordering system, not how the incumbent ultimately completes that order.” Performance Measurements Proposed Rulemaking, ¶ 71. While SWBT has asserted that SWBT’s legacy systems treat all orders the same way, Birch’s experience has been that SWBT’s retail orders are not split into three orders, and thus, are not subject to the same opportunities for disassociation, failure and service disruption.

128. SWBT implies that CLEC flowthrough rates are low because of CLEC error. Ham Affidavit ¶ 129. CLEC errors affect reject rates, not flow-through. Most CLEC-caused errors are caught by the editing process. Only SWBT determines what is eligible for flow-through. Also, while recognizing that there is a CLEC learning curve that can contribute to a high rejection rate, Birch’s experience is that SWBT will require Birch to submit orders as “expedites” to force them to fall out for manual handling. SWBT does recognize that CLECs using LEX are dependent on SWBT as they cannot improve their flowthrough by programming changes. Ham Affidavit ¶ 129.
129. According to SWBT performance measurements, our reject rate runs 40%-45% of our attempted order submissions. Attachment D. Generally, the reject reason codes lack sufficient information to efficiently troubleshoot the error. We have recently seen mechanical rejects that even the LSC cannot figure out or are attributable to programming changes of which Birch was not informed. Attachment R. Address related

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<sup>9</sup> Notice of Proposed Rulemaking, Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Services and Directory Assistance, 13 FCC Rcd 12817, 12850 ¶ 72 (1998) (“Performance Measurements Proposed Rulemaking”).

rejects are also a major problem for Birch. Attachments I, J, L, M, P-T, V. And finally, when an order cannot/does not "flow through" mechanically, the manual rejects received from Bell are frequently incorrect.

130. The flow-through measurement does not include those orders that fall out for manual handling after SORD distribution. Ham Affidavit ¶ 131. While this measurement provides some useful information, necessary information about what type of corrective action is necessary for orders submitted is missing.
131. If SWBT's representations that "UNE-P orders are the most eligible to flow through" are accurate, Birch's actual experience with the lack of flowthrough for UNE P orders leaves me less than optimistic. Ham Affidavit ¶134. In fact, Birch completed an analysis of a sample (N=150) of LSRs submitted to SWBT in October 1999. Approximately 50% of the FOCs received indicated that the LSR was not processed mechanically. Either these orders were not MOG-eligible or the MOG modules could not process the order – this flowthrough rate is unrelated to CLEC error (which is reflected in Percent Rejects).
132. Ongoing questions/issues with the performance measurements remain. For example, SWBT counts service orders as the denominator in many cases. In doing so, it appears that SWBT reports performance that is misleading. When a CLEC order is submitted and split into three orders, SWBT counts three orders in the denominator instead of the one LSR that the CLEC submitted. If the order flows through, all three orders are counted. Because it is typically only the "C" order that has problems (and the D and the N orders usually pass without problems), SWBT counts two orders (of the three as passing, and one as not passing.) In order to provide service effectively, all three orders must pass in the related and appropriate manner. Thus, reporting that two orders were successful



skews the appearance of the data. For example, suppose Birch passes 100 UNE-P LSRs to SWBT for processing and on 15 of those orders the “C” order have problems, the Birch flow through rate should be 85%. However, SWBT’s calculation would show that 285 of 300 service orders flowed-through. Of course, this generates a false flow through rate of 95%.

133. **LSC Average Speed of Answer & Grade of Service:** Birch’s service representatives have identified inappropriate hold time when calling the LSC and have been disconnected while holding. Attachments J, L, & P. It is unclear why SWBT’s performance measurement data does not reflect this performance.

#### **VIII. COMMERCIAL READINESS**

134. The process of making interfaces operationally ready involves: modifying front office and back office systems, testing those modifications, developing new interfaces or functionalities as required or requested by CLECs, testing the new interfaces internally and in conjunction with SWBT back office systems, and sizing the interfaces to ensure forecasted volumes can be adequately and timely processed. SWBT has supposedly performed these functions and has been ready for CLECs to utilize its electronic interfaces since January 1997.
135. That SWBT’s OSS be operationally ready is critically significant. The existence of the Operations Support System, without more, is not sufficient to meet the obligation to provide CLECs with a meaningful opportunity to compete. Birch has encountered several situations in which Birch’s representatives were told that something could not be done. After significant delay, the absorption of more Birch representatives’ time,

angering and turning away customers, Birch will discover that SWBT merely does not have a process for the transaction.

136. An example of this lack of commercial readiness is present with Charter Numbers, SWBT's retail number portability offering to retail customers which permits a customer who moves outside of his current central office area to take their number with them. As can be expected, most businesses that have moved outside of their central office area subscribe to this service. Birch first tried to provision this type of service in September of 1999. Each time Birch would try to process a customer's order who had subscribed to the charter number service, the customer would lose dial tone and the customer would have to be converted back to SWBT. Birch would contact the CAST group in the LOC, the team with advanced training. CAST members advised Birch that they simply did not know how to fix or to provision this service. Obviously, if a CLEC cannot permit a business to take their number with them, the CLEC has little chance of being able to convince the customer to switch providers. This significant competitive disadvantage was only remedied by an Accessible Letter issued on December 30, 1999 which describes the process by which CLECs who have signed up customers that subscribe to this service may be converted. Attachment Z.
137. In some cases SWBT has developed the process to accommodate Birch's actions. Sometimes it is that SWBT has simply not implemented the process in all of its locations. For example, Birch has repeatedly gone through the "early developing" stages with SWBT to develop a process to be sure that all rate table, PIC lists, OCN numbers and AIN platforms have been updated before trying to provision service in an area only to find that the tables and systems SWBT reported as being updated were in fact not ready.

This process has been repeated over and over again as Birch moves into new SWBT areas in Texas. This failure of SWBT to be commercially ready has hindered Birch's ability to rapidly enter new markets.

138. During the Hearing on the Public Interest, Staff asked SWBT about whether it had put in place procedures to ensure that CLECs don't experience the same problem in moving from one market to another. Attachment JJ. SWBT responded to an example provided by another carrier on Ericsson switches and said that they work problems when they are brought to their attention. Both their comments and Birch's experience evidence a lack of internal procedures to ensure that a carrier does not encounter the same problem in multiple locations.

#### **IX. THE NARROW CARRIER-TO-CARRIER OSS TEST**

139. The test did not include a test of LEX, the interface that Birch is using and also did not review the requirements for a CLEC to develop its own interface. Furthermore, the general parameters of the testing were very narrow. Back office systems were not tested. Indeed, SWBT notes that "these systems were not included in the detailed observation and analysis activity." Ham Affidavit ¶264. Telcordia conducted no investigation to determine if SWBT's treatment of CLEC orders affected the processing of those orders in the same systems that process its own retail orders. As a result, Telcordia could not report that the three orders from which only CLEC orders suffer causes a plethora of operational problems that require significant resources to investigate and correct.

##### **A. TYPES OF ORDERS TESTED**

140. Functionality tests involved very low number of orders that are not representative of most CLEC orders. For example, the average number of loops in one order is higher than the 2-3

average that MCI did for the UNE-L (e.g., no more than 5 lines, no DID). OSS issues involving complex services like a PBX trunk, DID service DS-1 based service etc. were not considered. Birch's experience has shown that SWBT has not been able to support its current order volumes. Absent Commission action, we have little hope that this will improve.

**B. LEX NOT TESTED FOR UNE ORDERS**

141. In short, CLECs are experiencing problems with LEX's ability to accommodate the CLECs' order volumes, but there is no independent test data to validate the issues these CLECs are raising. LEX was not tested for UNE-P.
142. In addition, the failure to review LEX in the test makes it difficult to address issues that assist the CLEC in order management activities requiring them to rely upon SWBT. For example, LEX does not provide reports, which enable the CLEC user to audit performance. Attachment D. A LEX user cannot determine the number of orders in FOC status that have missed their due date without looking at each individual order. In addition, the LEX user cannot assess the commercial impact of SWBT's service by reviewing why orders have not been provisioned by their due date. Attachment F.

**C. LIMITED SCOPE OF REVIEW OF DOCUMENTATION**

143. Telcordia's review of documentation was not just "indirect," it was almost accidental. Ham Affidavit ¶ 284. That Telcordia identified problems with SWBT's documentation is more frightening than it is comforting. The plethora of documentation issues that required the test participants to undergo years of work to develop their EDI, provides CLECs with no assurances that they will be able to develop their interfaces without the same years of back and forth that was required of AT&T and MCI. While I expect that all carriers want to

move towards more mechanized interfaces between CLECs and SWBT, it will be the smaller CLECs that will suffer from the decision not to conduct a thorough review of the documentation (by building a pseudo-CLEC) as it is these CLECs that do not have the resources to embark on the current, unnecessary, lengthy process of EDI development.

**D. TELCORDIA REVIEW OF CHANGE CONTROL PROCESSES**

144. While Telcordia engaged in a review of SWBT's adherence to the Change Control Process, the scope of this review was so limited as to be worthless. Although SWBT followed few of the change control guidelines, Telcordia reports that the impact to the CLEC community was minor and that SWBT has permission to ignore the change control timeframes. SWBT has not reliably communicated information in a manner that is consistent with the change control guidelines. Birch continues to experience the consequences of SWBT's failure to follow the change management procedures. See below in Change Management for details.

**E. CAPACITY TEST**

145. Unlike New York, Texas structured its capacity test from the original forecast order volumes provided by the fraction of Texas CLECs in the 271 proceeding during the summer of 1998. The original volume was increased by 25% to account for CLECs that provided a Texas specific forecast and not a forecast for SWBT's five-state region. Telcordia Final Report at 104. This volume of orders is woefully inadequate. The forecasts volumes only represent a fraction of Texas CLECs. Further, this dated forecast information is unlikely to represent what can be expected as SWBT's interfaces and procedures are improved to accommodate wholesale orders. When Birch's orders suffered significant delays in processing due to the increase in volumes in September

1999, Birch became confident that SWBT is not prepared to handle current volumes, much less future volumes.

**F. STAFF SCALABILITY**

146. While Telcordia reviewed SWBT's Force Model to determine whether SWBT's staff training and recruiting practices were adequate, Telcordia did not evaluate whether particular groups are staffed appropriately. That all discrete areas are staffed to accommodate demand is important because otherwise the personnel that are trained to handle particular orders may not be present. Not all representatives are trained to process all order types. For example, if the Force Model predicted that the LSC needed a total of 50 people to satisfy CLEC needs, it would do little to satisfy Birch's concerns that each subject area is adequately staffed. CLECs were not permitted to review SWBT's Force Model. However, CLECs have been able to observe whether the implementation of SWBT's Force Model has met reasonably foreseeable needs. It has not.
147. Because of the multitude of problems Birch has experienced with SWBT's systems, SWBT has directed Birch to take all of its UNE-P trouble issues to the Customer Action Support Team ("CAST"). Attachment L. This discrete group within the Local Operations Center has been described as a group of experts who are to be used as the "failsafe" for customer-affecting issues such as loss of dial tone where "the normal escalation channels may not have provided a timely resolution." Conway Affidavit ¶19.
148. Due to what we believe to be a manpower shortage, as recently as November 1999, we have experienced several more instances of lost dial tone in which the CAST group was unavailable and our calls to report trouble could not be taken. Attachment D & LL. Despite communicating this issue to SWBT, and SWBT's commitment that the CAST

group would be reviewed to ensure its availability, our experience continues to be that the CAST group either is not available or does not have the resource to answer all the calls being placed to it.

149. For example, on a Friday afternoon in October, the CAST group was staffed with only one person. SWBT stated that two new people were added to the CAST group to help accommodate the demand on the CAST group. Attachment I & LL. It is clear that this level of staffing is not adequate. It is also unclear whether these new additional employees are trained for this specialized group. After this incident, SWBT actually advised Birch that Birch should once again change procedures and again call the main number for the LOC when reporting UNE-P trouble as the CAST group could no longer handle the workload.
150. SWBT identifies an “improved process for tracking UNE-P conversion troubles using CAST as the primary contact point for a particular CLEC. In addition, SWBT states that it has added seven customer service representatives (CSRs) to the CAST group since mid-September to assist with growth.” Conway Affidavit ¶19. While we applaud this move on SWBT’s part, we question how the Force Model could have calculated that the previous one employee in the group was sufficient and what is used to ensure that the CAST is staffed with an appropriate number of representatives at any given time.
151. While SWBT has said that Telcordia’s review of the Force Model considered the staffing of the Local Operations Center and the Local Service Center, it appears that Telcordia’s review did not consider the Model after SWBT directed that all of Birch’s orders be sent to CAST. It is clear that either the force model did not evaluate the needs of each of the

discrete groups within SWBT or the force model is just not a realistic predictor of staffing demands. Attachment K.

152. While SWBT offers performance measurements for average speed of answer and grade of service for the LOC and the LSC, these measurements do not capture those calls coming into a discrete group within these centers and certainly provide no indication as to whether the caller actually was able to receive qualified assistance. This is a significant gap as Birch has been directed to forward all of its troubles on UNE-P lines to the CAST group. The metrics on the general call queue do not capture the length of time it takes for the CAST group to answer and mislead a casual viewer to believe that the LSC and the LOC are more responsive than the commercial experience indicates.
153. Scalability is also affected by the decision to reorganize. CLECs were not notified of SWBT's reorganization prior to its taking place. Moreover, the review of the capacity and scalability of the LSC did not contemplate the effects of SWBT decisions to reorganize. As some CLECs reported during the Hearing, the effect of the reorganization was crippling to their operations. Such a drastic change to the systems CLECs rely upon should have been communicated to the CLECs prior to the change.
154. As previously mentioned, during Birch's meeting with SWBT on September 15, 1999, SWBT stated that one of the reasons orders were stuck in a FOC status prior to completion is because SWBT's LSC had not typed these orders to completion. While it is not clear if SWBT's explanation was, in fact, the cause of problems, it is clear that the failure to staff the LSC appropriately impacts CLECs – **not** SWBT's retail operations. And SWBT's commitment to hire more personnel after the fact is insufficient to cure the delays and backlogs when SWBT fails to staff appropriately. Hiring and training



employees takes time – and certainly does nothing for the customers whose orders are sitting untouched, waiting for SWBT’s LSC representatives to process them.

**G. PERFORMANCE MEASUREMENT REVIEW**

155. Telcordia reported that its function in “validating” the performance measurements was merely to ensure that the performance data was being collected in accordance with the business rules. Telcordia did not determine that the business rule was drafted in a manner to capture the relevant performance. Furthermore, although Telcordia was provided with CLEC and SWBT SMEs to consult with, Telcordia only sought the assistance of SWBT’s performance measurement SMEs in developing its conclusions and Telcordia did not seek the CLEC performance measurement SMEs’ assistance until after issuing its findings.

**X. CHANGE MANAGEMENT**

**A. GOALS**

156. SWBT accurately characterizes the goal and objective of change management.

Change Management is the process of planning, coordinating, monitoring, and communicating changes within an organization. It standardizes the procedure by which a change is requested, and the process by which it is assessed for technical and business impact. Standards for review, assessment, approval, and scheduling processes are established. Criteria are established to assess the success or failure of a change. The objective of Change Management is to facilitate change while ensuring that standard methods and procedures are followed, thereby eliminating or minimizing possible negative impacts of the change on service level commitments.

Ham Affidavit ¶ 303. Birch contends that this concept should include that priorities should be set according to mutual agreement and not SWBT's unilateral action.

**B. NEED FOR CATEGORY TO ADDRESS SWBT SYSTEMS**

157. SWBT currently has two categories of change management processes: one for application-to-application gateway changes and another for changes to non-application proprietary interfaces. Ham Affidavit ¶ 309.
158. While Birch cannot provide insight into the Category 1 Change Management process (the application-to-application) process, Birch has experienced SWBT's loose adherence to the category two process. Moreover, Birch repeatedly concludes that SWBT's changes to its legacy systems should be introduced into change management as well.
159. Birch has no desire to micro-manage SWBT's operations, but as Birch has experienced critical failures because of SWBT's failure to consider the implications changes to its system would have had on CLECs, Birch believes it necessary to bring these issues into change management. One example of this failure is the implementation of the January 15, 2000 LIDB release to consider CLEC orders in origination or order status. Another example, with even more grave consequences, is SWBT's failure to consider CLEC orders with hunting. Attachment EE. See also discussion on hunting above.

**C. DANGERS WITH CHANGE MANAGEMENT**

160. Birch notes that Commission Staff is wise to consider the availability of a specific timeframe for resolution of CLEC issues brought to change management. The inclination to push issues over to users' groups and change management forums without requiring concrete timeframes for resolution of the issues, makes it likely that these issues will not be addressed in a timely manner. Attachment AA.

161. This concern is exacerbated by the probability that matters relegated to change management are not getting even the attention they were before. Birch has noticed that as SBC grows, the resources dedicated to the change management and system enhancement function have not. CLECs committed to what was the five state change management process are now having to wait for necessary system improvements while the new states' regulatory requirements take precedence over CLEC sponsored issues. Attachment MM.
162. SWBT has an obligation to provide an operational OSS. SWBT should not be permitted to avoid its obligations. Further, CLECs should not have to prioritize or delay fixes to broken systems as SWBT throws these issues "into the hopper" of change management where CLECs must prioritize enhancements. Attachment PP.

#### **D. ACCESSIBLE LETTERS**

##### **1. Content**

163. SWBT also fails to provide important information in Change Control notices. One example of this failure to communicate concerned the prioritization of software enhancements, including which system enhancements would be made to allow additional transactions to "flow-through" SWBT's OSS. This item was not listed in the Accessible Letter announcing the meeting's agenda, and as a result, much of the CLEC community was generally unaware of this activity.
164. In addition, where Accessible Letters have been sent, they have not been sent reliably. A recent example concerns an Accessible Letter issued regarding "Complete Disposition." Under this innocuous title, SWBT communicated a change to the information on a customer's account that would be information that was required to be provided to SWBT.

Perhaps recognizing that this announcement did not follow the change management procedures, SWBT withdrew the Letter. Attachment NN. But SWBT still changed the requirement; it just changed the CLEC Handbook instead. See Telcordia Final Report Issue Log.

165. With the volume of Accessible Letters that are released, SWBT is aware that the subject line of the Letter is important to advise the CLEC Community of the contents. One example of inaccurate “coding” became evident during the Hearing on Public Interest Issues. Candy Conway’s Affidavit on the Public Interest announced the existence of a report that CLECs had not been advised existed. When questioned about how the availability of this report was announced, Ms. Conway reported that the Accessible Letter entitled, “Notification of New Address of the CLEC Website – Arkansas, Kansas, Missouri, Oklahoma, Texas” provided this notice. Clearly the title of this Accessible Letter, used as the re line in electronic distribution, provided no indication that this report was now available.

## **2. Timing**

166. SWBT often waits to advise the CLEC community of changes or offerings until the CLECs have learned of the change another way. The problem with notification is that the CLECs are not in a position to know whether a policy has been changed or SWBT has new requirements; only SWBT knows. Absent receiving an Accessible Letter, the CLEC is already affected by the change prior to officially learning of its existence. Birch should not have to be requesting Accessible Letters. SWBT should be providing these notifications without prompting.

**E. INCIDENTAL DISCOVERY OF CHANGE MANAGEMENT ISSUES**

167. Although not the subject of the test, many of Telcordia's reported actions taken include SWBT's provision of information to Telcordia. This information has not been communicated to the CLECs, and where it has, SWBT updated the CLEC Handbook. As has been discussed at several points, simple updates to the CLEC Handbook are not useful to the CLEC that is currently in business. It is only if the CLEC is notified that the update is being made will the update actually serve to notify the CLEC of the change.

**XV. CONCLUSION**

168. As Birch's order volumes increase, we have encountered and expect to continue to discover additional, previously unseen problems. This alone is not sufficient reason to insist that SWBT is not ready to obtain long distance authority. Rather, it is the fact that SWBT is not prepared to handle the new problems that makes us certain that SWBT should not be rewarded with this authority.
169. In addition to the concerns we have about SWBT's ability to honor commitments it has made in response to our letter, we are even more concerned about the issues we have not yet discovered. Now, before the grant of 271 authority, we have been disappointed with SWBT's effort to ensure that root causes of our problems have been adequately identified and permanently resolved. Once SWBT has been given this authority, we feel confident that SWBT will no longer have an incentive to give even that level of attention to resolving these problems.
170. We must reiterate that to investigate, escalate and attempt to resolve each of these issues takes an inordinate amount of time for our service representatives, as well as everyone in the company, up to and including ourselves. Both Birch and SWBT operations staff

devote hours every day to trying to fix these problems as they occur instead of processing orders and handling normal business. It would be more beneficial to invest our joint resources in improving the quality of service provided to the consumer.

171. In this digital information age, Birch remains perplexed by the lack of and deficiencies associated with SWBT's mechanization and systems. As substantiated in this affidavit, Birch and SWBT have expended enormous human resources and dollars on researching and resolving problems which impact the consumer, because it is the consumer that should ultimately benefit, not suffer, from deregulation of local services. The fundamental root cause of many of the problems identified by Birch is that "electronic" deficiencies, or deficiencies in SWBT OSS and legacy systems used to process CLEC orders. Birch should not have to suffer the consequence of inadequate systems testing regarding something as fundamental as accommodating or considering CLEC orders in process during a change management release. Birch strongly believes that SWBT OSS's and provisioning systems, and the structure establish to upgrade and maintain them, are just not commercially ready. By resolving the inadequacies and deficiencies documented by Birch, other problems, such as those caused by human error, dependency on inadequate processes or inadequate staffing are minimized.
172. Although SWBT's "Post-271 Entry Enforcement Mechanism" filing suggests that the performance measurements and the remedy plan are sufficient to guarantee cooperative performance; we respectfully disagree. Since September, Birch has worked diligently and invested tremendous resources to understand, exactly, what each metric is measuring,

how it is calculated, its associated exclusions, and in many cases fundamental fallacies<sup>10</sup>.

However, based on the knowledge we have gained to date, Birch is convinced that many of the critical measurements do not adequately capture the performance it was originally intend to evaluate. Or conversely, the severity of the problems Birch encounters, in terms of the impact on the customer or our business, is not adequately reflected in the measurements intended to capture that failure to perform.

173. Moreover, we cannot rely primarily on performance measurements and remedies. Problems arise daily that have serious competitive impacts; a CLEC cannot wait two and a half months for SWBT to substantiate that the CLEC has less than parity service. If SWBT does not respond cooperatively and in a timely fashion to resolving these problems, a CLEC's business will be severely impacted, long before it will see performance remedies. What is needed is an "enforcer:" a legal or regulatory body with both the authority and "influence" tools required to enforce parity service. Dispute Resolution is an inadequate forum for this purpose.

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<sup>10</sup> This has been a very difficult task in light of the numerous changes to the exclusions, methods of calculations that have occurred over the last four months. Birch is continuing this process and hopes to conduct a more thorough audit with performance measurement source data now afforded us through the T2A agreement.